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**From:** McAtee, Jeffrey [McAtee.Jeffrey@epa.gov]  
**Sent:** 12/31/2020 7:58:10 PM  
**To:** Smith, Suzanne [Smith.Suzanne@epa.gov]; Schoellkopf, Lynde [Schoellkopf.Lynde@epa.gov]; Garcia, David [Garcia.David@epa.gov]  
**CC:** McGuire, James [McGuire.James@epa.gov]; Taheri, Diane [Taheri.Diane@epa.gov]  
**Subject:** RE: U.S. District Court, District of New Mexico (Las Cruces)

Thanks. I'll run the language by you before we send it anywhere.

-JMc

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**From:** Smith, Suzanne <Smith.Suzanne@epa.gov>  
**Sent:** Thursday, December 31, 2020 1:57 PM  
**To:** Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>; McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>; Garcia, David <Garcia.David@epa.gov>  
**Cc:** McGuire, James <McGuire.James@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>  
**Subject:** RE: U.S. District Court, District of New Mexico (Las Cruces)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Suzanne J. Smith | Deputy Regional Counsel  
Office of Regional Counsel | EPA Region 6 | 214.665.8027

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**From:** Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>  
**Sent:** Thursday, December 31, 2020 1:51 PM  
**To:** McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>; Garcia, David <Garcia.David@epa.gov>  
**Cc:** McGuire, James <McGuire.James@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>  
**Subject:** RE: U.S. District Court, District of New Mexico (Las Cruces)

(b) (5)

[REDACTED]

[REDACTED]

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**From:** McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>  
**Sent:** Thursday, December 31, 2020 1:50 PM  
**To:** Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>; Garcia, David <Garcia.David@epa.gov>  
**Cc:** McGuire, James <McGuire.James@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>  
**Subject:** RE: U.S. District Court, District of New Mexico (Las Cruces)

Thank you, Lynde! We'll use this to update the desk statement and send up to Ken.  
Appreciate your work on this.  
Happy New Year!  
Jeff

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**From:** Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>  
**Sent:** Thursday, December 31, 2020 1:45 PM  
**To:** Garcia, David <Garcia.David@epa.gov>; McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>

**Cc:** McGuire, James <McGuire.James@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

**Subject:** U.S. District Court, District of New Mexico (Las Cruces)

Attorney found it – U.S. District Court, District of New Mexico (Las Cruces)

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**From:** Schoellkopf, Lynde

**Sent:** Thursday, December 31, 2020 1:38 PM

**To:** Garcia, David <Garcia.David@epa.gov>; McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>

**Cc:** McGuire, James <McGuire.James@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Suzanne Smith <Smith.Suzanne@epa.gov>

**Subject:** RE: NM Sterigenics - Santa Teresa Facility

We unfortunately do not have access to PACER to verify. I have reached out to David Harlow at OGC to see if he can check. Also checking with Suzanne who is acting for James to see if she can find someone at NMED. She called NMED's general counsel and got her voicemail. The US District Court for the District of NM webpage requires PACER account to access filings. If I can get an answer before 3 – will get it to you all!

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**From:** Garcia, David <Garcia.David@epa.gov>

**Sent:** Thursday, December 31, 2020 12:41 PM

**To:** McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>

**Cc:** McGuire, James <McGuire.James@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>

**Subject:** Re: NM Sterigenics - Santa Teresa Facility

I have reached out to my poc at Nmed but have not heard back from her. I tried looking on the internet but have not been able to verify the lawsuit has been moved to federal court.

Perhaps James or Lynde can assist.

Sent from my iPhone

On Dec 31, 2020, at 12:02 PM, McAtee, Jeffrey <McAtee.Jeffrey@epa.gov> wrote:

Good afternoon gents,

Do we know the latest info for this? As soon as we know what's what, we can update the statement. As you probably saw, Ken would like it by 3pm.

Thanks so much,

Jeff

Begin forwarded message:

**From:** "McQueen, Ken" <McQueen.Ken@epa.gov>

**Date:** December 31, 2020 at 9:40:32 AM PST

**To:** "McAtee, Jeffrey" <McAtee.Jeffrey@epa.gov>

**Cc:** "Garcia, David" <Garcia.David@epa.gov>, "Gray, David" <gray.david@epa.gov>,

"McGuire, James" <McGuire.James@epa.gov>, "Ngo, Kim" <Ngo.Kim@epa.gov>,

"Tanimura, Erin" <Tanimura.Erin@epa.gov>, "Tatum, Stephen"

<Tatum.Stephen@epa.gov>, "Taheri, Diane" <Taheri.Diane@epa.gov>

**Subject:** RE: NM Sterigenics - Santa Teresa Facility

Will this be ready by 3 pm today?

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**From:** McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>  
**Sent:** Thursday, December 31, 2020 9:32 AM  
**To:** McQueen, Ken <McQueen.Ken@epa.gov>  
**Cc:** Garcia, David <Garcia.David@epa.gov>; Gray, David <gray.david@epa.gov>; McGuire, James <McGuire.James@epa.gov>; Ngo, Kim <Ngo.Kim@epa.gov>; Tanimura, Erin <Tanimura.Erin@epa.gov>; Tatum, Stephen <Tatum.Stephen@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>  
**Subject:** Re: NM Sterigenics - Santa Teresa Facility

We're on it, Ken.  
V/r,  
Jeff

On Dec 31, 2020, at 7:28 AM, McQueen, Ken <McQueen.Ken@epa.gov> wrote:

David Garcia and Jeff McAtee,  
I learned this morning that Sterigenics has moved the lawsuit to federal court. Can we update the desk statement to reflect that, and if possible, determine which federal court. I'm assuming it's the Fed Dist. Court of NM.

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**From:** Garcia, David <Garcia.David@epa.gov>  
**Sent:** Wednesday, December 30, 2020 7:46 AM  
**To:** McQueen, Ken <McQueen.Ken@epa.gov>; Gray, David <gray.david@epa.gov>; McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>; McGuire, James <McGuire.James@epa.gov>  
**Cc:** Ngo, Kim <Ngo.Kim@epa.gov>; Tanimura, Erin <Tanimura.Erin@epa.gov>; Tatum, Stephen <Tatum.Stephen@epa.gov>  
**Subject:** NM Sterigenics - Santa Teresa Facility

Ken/David/James,

FYI, attached is information on the States (New Mexico) law suit against Sterigenics/Santa Teresa facility specific to ethylene oxide emissions. The attachment contains a fact sheet and suggested talking points in case the Region begins to get outside inquiries. Please note, although this is a state only action that was filed in District Court, we are staying in communication with NMED and EPA HQ on this matter.

Jeff,  
Pls refer to the attached suggested talking points.

David F. Garcia, P.E.  
Director  
Air and Radiation Division  
Ph. 214 665 7593

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